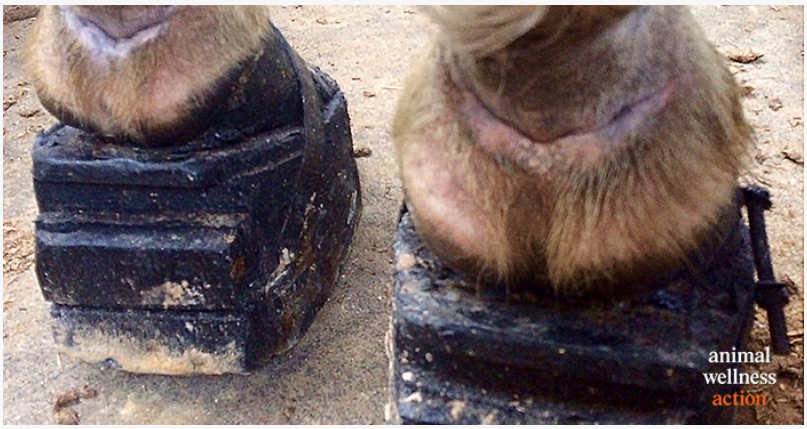
The End of Soring: When the Prize Is Compromise

Fifty years of regulatory and legislative inaction tells us it is time to forge a new kind of solution.



Gen's Ice Glimmer's sored feet

WASHINGTON, DC, UNITED STATES, November 16, 2020 / EINPresswire.com/ -- Gen's Ice Glimmer was about to go on a one-way trip to Mexico.

Not to white-sand beaches. No, Gen's Ice Glimmer was on his way to a make-shift horse slaughterhouse with blood-stained floors.

There, the Tennessee Walking Horse would be hit between the eyes with a bolt gun, stabbed, butchered, shrink-wrapped, and sent to Japan, Belgium, or Italy to be served up as a steak.

Gen's Ice Glimmer lives because a horse rescue group went to an auction in Tennessee – populated by "kill buyers" – and spied the telltale signs of horse soring: the injuring of the forelimbs of a horse.

The rescue group made a lifeline call to walking horse protector Clant Seay of the Citizens' Campaign Against Big Lick Animal Cruelty (CCABLAC). Mr. Seay helped buy Gen's Ice Glimmer, sparing the 11-year-old horse that final passage.

CCABLAC presented USDA investigators and prosecutors with evidence to build a case against the individuals who "sored" and then attempted to sell the horse. It is a federal crime to show, sell, or auction a sored horse under the Horse Protection Act.

In the end, for reasons that we may never know, federal prosecutors did not act on the information.

Weak Penalties Tamp Down Enforcement Actions

Frankly, there are crimes committed every day in the “Big Lick” segment of the Tennessee Walking Horse community. No horse throws up his legs -- encumbered by heavy, six-inch-tall shoes and with six-ounce chains wrapped around each of their front pasterns -- because of positive reinforcement and gentle training methods.

It’s not a prance. It’s a pain-induced gait. Created by soring.

Yet despite a federal law forbidding the practice of exhibiting or selling a horse to auction, you can count on your own unencumbered fingers the number of federal cases brought to trial.

Jackie McConnell, the Hall of Fame trainer caught on tape eight years ago abusing horses in his stables, received the stiffest part of his penalty – a year of house arrest – from the state court for violating Tennessee’s anti-cruelty law, not from the federal courts.

There have been occasional high-profile cases, like former “Big Lick” trainer Barney Davis, whose case came prior to McConnell’s outing. Davis was sentenced to year in prison after a tipster provided evidence to a U.S. Attorney who brought the case to federal court. These cases are about as rare as a perfect March Madness bracket.

Why has there been such meager action against people illegally soring horses?

Two main reasons.

First, prosecutors have brimming dockets and animal cruelty crimes are lower priorities. That’s been the case for decades, though the trend is starting to swing in our favor.

Second, the Horse Protection Act of 1970 provides for misdemeanor penalties.

PAST Act Substitute Includes Felony-Level Penalties

Federal prosecutors bring cases of murder, gang violence, fraud, and an endless set of other federal crimes. They choose their cases, checking their priorities, assessing the quality of the evidence to support their charges, making informed judgments about prevailing in a court of law, and considering the opportunity cost in taking one case verses others.

In working on animal cruelty cases I’ve been told by prosecutors, time and again, that they just don’t pay much attention to crimes tagged with minimal penalties. They are not going to invest hundreds of hours in a case that earns a three-month jail sentence and a $1,000 fine for the perpetrator.

My experience in working to strengthen the 1976 federal animal fighting law years ago was instructive. Animal fighting, like soring, has been rampant. When I testified before Congress in

2001 for felony-level penalties, I noted there had not been a single federal prosecution against a dogfighter or cockfighter in the 25 years since enactment of the law.

Not a one. Prosecutors told me they'd pay attention when Congress adopted felony-level penalties.

I've lobbied for the Prevent All Soring Tactics (PAST) Act for eight years, and because of the steadfast opposition of some key Senators, there's never been a vote in that chamber. It feels like malpractice to keep lobbying for a bill that has such a remote chance of advancing. As with federal prosecutors, there's an opportunity cost to work on something that's a dead end when you could be working on other bills more likely to secure legal protection for animals.

But we're not quitters. We've long looked for other pathways to secure reform. When I was leading the HSUS in 2012 and lobbying for the newly minted PAST Act, we also supported a rulemaking petition requiring the imposition of penalties on "Big Lick" trainers. The U.S. Court of Appeals for the Fifth Circuit determined that the USDA exceeded its authority in imposing this rulemaking action and struck it down.

Two years later, we put our shoulder into a different federal rulemaking – banning the chains and heavily weighted shoes trainers affix to the horses' front legs and eliminating the industry's self-policing program. We intentionally steered clear of raising penalties because that had proven to be a flawed strategy. The Tennessee Walking Horse community was ready to challenge that latter rule in federal court, but it didn't need to. The USDA dragged its feet and never completed work on the rule. The incoming team at President's Trump's USDA dropped it without a second thought.

Here's the bottom line: Without tough penalties, there will be no justice for Tennessee Walking Horses.

Embracing Compromise at a Time of Divided Government

There is hope. Animal Wellness Action has forged compromise legislation with leaders of the Tennessee Walking Horse industry to ban chains and other "action devices" to dramatically reduce the size and weight of the shoes; to forbid gruesome "tail braces" (a provision not included in the PAST Act); to eliminate industry self-regulation; and to put USDA in charge of all inspections; and to impose felony-level penalties for the crime of soring.

Some leaders of the Tennessee Walking Horse community have finally said they understand soring must go. But many others in the industry are griping and won't stop soring horses until they face legal jeopardy from the federal government.

We face a binary choice: Take away the chains and heavy stacked shoes from trainers addicted to soring and enable prosecutors to impose severe penalties on violators, or keep pushing the

original PAST Act in a divided Congress and expect a different result.

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